

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2021-346-T - ORDER NO. 2021-755  
DECEMBER 3, 2021

IN RE:	Application of Kelly Moving, Inc. to Amend	)	ORDER WAIVING
	Current Tariff and Request for Waiver of	)	PUBLICATION OF
	Publication and Hearing	)	NOTICE AND HEARING

**I. INTRODUCTION**

Kelly Moving, Inc. (Kelly Moving or Applicant) filed an application with the Commission on November 4, 2021, to amend its tariff and to seek the Commission’s permission to waive publishing the notice of the filing and to waive the hearing. We grant the request of Kelly Moving to waive publication and the hearing. The Applicant’s request to amend its tariff remains before the Commission, and the Commission will make a determination regarding the amendments in a subsequent order.

**I. FACTS AND PROCEDURAL HISTORY**

In 2003, the Commission approved a Class E Certificate of Public Convenience and Necessity for Kelly Moving to provide motor vehicle services as a household goods mover “[b]etween points and places in Spartanburg County and from points and places in Spartanburg County to points and places in South Carolina and from points and places in South Carolina returning to points and places in Spartanburg County.” (See Order No. 2003-592 in Docket No. 2003-199-T). More recently, in 2018, the Commission approved the amendment of certain rates and other changes to the tariff. (See Order No. 2018-354

in Docket No. 2018-95-T). In this docket, Kelly Moving seeks to amend its tariff and to request the Commission waive the publication of notice and the hearing. As part of its application, Kelly Moving asked for waiver of publication pursuant to Regulation 103-193 of the South Carolina Code of Regulations, stating the cost to publish a similar notice in 2018 was \$1,300. As to waiver of the hearing, Kelly Moving asserted the regulations do not require a hearing on an uncontested matter in which “due process has been followed.” (Application, p. 10).

On November 10, 2021, the Commission’s Clerk’s Office prepared a Notice of Filing and directed Kelly Moving to publish the Notice once in newspapers of general circulation and to provide the Clerk’s Office with proof of that publication no later than December 16, 2021. The following day, November 11, 2021, Kelly Moving emailed the Clerk’s Office again requesting the Commission waive publishing the notice, asserting the notice appeared on the Commission’s Docket Management System, which constituted sufficient notice.

On November 16, 2021, the Commission took action to grant the request of Kelly Moving for waiver of publication and hearing regarding its application to amend its tariff.

## **II. APPLICABLE LAW**

Regulation 103-193 establishes the Commission’s policy regarding hearings and the publication of new tariff charges.

1. When Hearing Held. Whenever there shall be filed with the commission any tariff stating a new individual or joint rate, fare, charge, rule, or classification for the transportation of passengers or property by motor carrier operating under a Certificate of PC&N or any rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service

thereunder, the commission, upon complaint of any interested party or upon its own initiative, if it so orders, without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, **may** enter upon a hearing concerning the lawfulness of such rate, fare, or charge, or such rule, regulation, or practice.

2. When Publication Required. Whenever any new or changed rate, fare, charge, rule, or classification is filed, **the commission may, in its discretion**, require the filing party or parties to give notice of such filing by publishing once, a notice in the form prescribed by the commission, in newspapers of general coverage in the affected territory. If publication is required, affidavits of publication must be returned to the commission's offices as evidence of compliance with such publication requirement.

S.C. Code Ann. Regs. 103-193 (2012) (emphasis added).

### **III. FINDINGS OF FACT**

After review of all the evidence in the record, the Commission makes the following findings of fact:

1. We find it reasonable to grant the waiver of publication to Kelly Moving as the notice appears on the Commission's Docket Management System and provides sufficient notice. We note Kelly Moving, in 2018, published notice of its proposed tariff amendments, and due to increased expenses and personnel needs, seeks a swift resolution to its docket and to lessen the expense of seeking Commission review of its application.
2. We find it is also reasonable to grant the waiver of a hearing to Kelly Moving. The Commission does not need to conduct a hearing to address the requests in this docket.

#### **IV. CONCLUSIONS OF LAW**

1. The Commission has discretion to hold a hearing and require publication of the notice in a docket seeking an amendment to a tariff pursuant to Regulation 103-193.
2. We conclude it is reasonable and in the public interest to waive the hearing and publication of notice in this docket pursuant to Regulation 103-193.

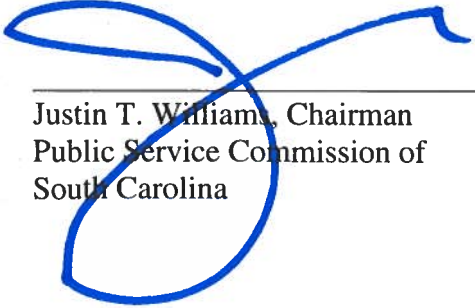
#### **V. ORDERING PROVISIONS**

##### **IT IS THEREFORE ORDERED:**

1. The Commission grants the request of Kelly Moving, Inc. to waive publication of the notice of filing and to waive a formal hearing.
2. The Commission will address the remaining issue in this docket, specifically, the request of Kelly Moving, Inc. to amend its tariff, in a separate order.
3. This Order shall remain in full force and effect until further Order of the Commission.

##### **BY ORDER OF THE COMMISSION:**



  
Justin T. Williams, Chairman  
Public Service Commission of  
South Carolina